

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES J. FITZGERALD,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

No. 3:10-cv-01222

Judge Nixon

Magistrate Judge Griffin

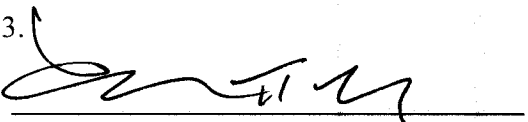
ORDER

Pending before the Court is Plaintiff James J. Fitzgerald's Motion for Judgment on the Administrative Record ("Motion") (Doc. No. 12), filed with an attached brief (Doc. No. 12-1). Defendant Commissioner of Social Security filed a Response (Doc. No. 19), to which Mr. Fitzgerald filed a Reply (Doc. No. 20). Subsequently, Magistrate Judge Griffin issued a Report and Recommendation ("Report"), recommending the Motion be granted. (Doc. No. 21.) The Report was entered on December 21, 2012, and provided a period of fourteen days in which either party could file an objection. (*Id.* at 36.) Neither party has filed an objection to date.

Upon review of this matter, the Court finds the Report to be well-founded and **ADOPTS** it in its entirety. Accordingly, the Court **GRANTS** Mr. Fitzgerald's Motion, **REVERSES** the decision of the Commissioner, and **REMANDS** the case to the Commissioner for further proceedings. The Clerk of the Court is **DIRECTED** to close the case.

It is so ORDERED.

Entered this the 22nd day of January, 2013.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT